

Summary
Environmental Rules Board
Indiana Government Center North
Conference Room A
Indianapolis, Indiana
Wednesday, March 13, 2013

1. CALL TO ORDER

Chair Beverly Gard called the meeting to order at 1:30 p.m. A quorum was present.

Members present: Beverly Gard; William Etzler; Tom Anderson; Ted Niemiec; Gary Powdrill; Ken Rulon; Chris Horn; Gail Boydston; Joanne Alexandrovich; Kelly Carmichael; Calvin Davidson; Mike Mettler; Pam Fisher; Robert Carter; Amy Cornell; and Tom Easterly.

Present for IDEM: Assistant Commissioner Bruno Pigott, Office of Water Quality (OWQ); Martha Clark Mettler, Deputy Assistant Commissioner, OWQ; Bill Stenner, Variance Specialist, Permitting Branch, OWQ; Keith Baugues, Assistant Commissioner, Office of Air Quality (OAQ); Roger Letterman, Deputy Assistant Commissioner, OAQ; Vaughn Ison, Compliance and Enforcement Branch, OAQ; Nancy King, Acting Director, Branch Chief, Rule Development Branch, Office of Legal Counsel (OLC); and Chris Pedersen, Section Chief, Rule Development Section, OLC.

2. INTRODUCTION OF BOARD MEMBERS

Chair Gard asked the board members to introduce themselves and their affiliations.

3. APPROVAL OF MEETING SUMMARY

Chair Gard called for approval of the February 13, 2013 meeting summary. A motion was made and seconded to accept the February 13, 2013 meeting summary. With a voice vote, the board voted unanimously to approve the February 13, 2013 meeting summary without changes.

4. REPORTS

- National Pollution Discharge Elimination System (NPDES) Permit Backlog Report – Mr. Bruno Pigott explained how the agency measures its issuance of administrative extended permits. He used a backlog chart to show the agency's progress in issuing the major/minor industrial and municipals permits. Mr. Pigott indicated that the administratively extended permits would be issued within the next few months.
- IDEM Rulemaking Schedules – Ms. Chris Pedersen discussed the tentative rulemakings for the upcoming May board meeting. She elaborated on other rulemakings that might come before the board this year. She noted that the Ozone Designations and PM_{2.5} Corrections emergency rule and the Angola Chloride Variance rule were on today's agenda.

5. ETHICS PRESENTATION

Ms. Cyndi Carrasco, State Ethics Director, and Mr. David Thomas, Office of Inspector General, gave a presentation to the board members regarding ethic rules. They discussed conflicts of interest issues and encouraged the board members to seek advisory guidance from the Ethics Commission to avoid potential problems.

6. RULEMAKING ACTIONS

LSA #12-512 Angola Chloride Variance

Ms. MaryAnn Stevens spoke for the agency. She explained the purpose of the Angola Chloride Variance rulemaking as a record keeping requirement. She discussed how the City of Angola needed a variance to Indiana's water quality standards that have recently been approved by U.S. EPA. Ms. Stevens provided a table that helped to define and clarify Angola's wastewater treatment plant NPDES discharge permit chloride limits.

Ms. Stevens added that the City of Angola would need another variance in order to replace the variance limits to meet future water quality standards.

Board members Mr. Gary Powdrill and Dr. Ted Niemiec had several questions regarding the sources of Angola's chloride levels. Ms. Stevens called on Mr. Craig Williams, Superintendent of the Wastewater Plant, City of Angola, to answer Mr. Powdrill's and Dr. Niemiec's questions.

Chair Gard, thereafter, called on public commenters, and there were none.

There was no board discussion.

Chair Gard entertained a motion to final adopt the proposed rule. Mr. Gary Powdrill so moved and Mr. Chris Horn seconded. With a roll call vote, the board voted unanimously for the final adoption of the Angola Chloride Variance rule as presented.

Emergency Rule for Ozone Designations and PM_{2.5} Corrections

Chair Gard opened the board action for consideration of adoption of the Ozone Designations and PM_{2.5} Corrections emergency rule under IC 4-22-2-37.1. She then introduced Exhibit B, proposed emergency rule, into the record of hearing.

Ms. Chris Pedersen spoke for the agency. She discussed the purpose of the emergency rule. She stated that until the Section 8 Ozone and PM_{2.5} Designations rulemaking is completed, emergency rules would be needed. She noted that IDEM had filed a legal challenge to United States Environmental Protection Agency's (U.S. EPA) ozone nonattainment designation for Lake and Porter counties.

Board members questioned Ms. Pedersen about the air quality in Lake and Porter counties.

Commissioner Tom Easterly added that recently LaPorte County had recorded monitor readings above the standard.

There was no board discussion.

Chair Gard entertained a motion to adopt the proposed emergency rule. Mr. Tom Anderson so moved and Mr. Calvin Davidson seconded. With a roll call vote, the Board voted unanimously to adopt the Ozone Designations and PM_{2.5} Corrections emergency rule.

7. NONRULE POLICY DOCUMENT PRESENTATION

Ms. Nancy King presented information on the NPD purpose and process. Mr. Vaughn Ison presented the Stage II Vapor Recovery Systems Air-036-NPD.

8. OPEN FORUM

No additional issues were brought to the board.

9. ADJOURNMENT

The next meeting is tentatively scheduled for 1:30 p.m. EDT on Wednesday, May 8, 2013, at the Indiana Government Center South Conference Room A. Chair Gard adjourned the meeting at 2:49 p.m.

CHAIRPERSON

The summary is derived from Rule Development Branch staff members' notes. A typewritten transcript of the entire meeting is on file in the Office of Legal Counsel, Indiana Department of Environmental Management. To view approved summaries, you may go online to <http://www.in.gov/idem/4696.htm#erb>.